

**Remarks**

The Examiner is thanked again for indicating claims 1-14 are allowable.

Reconsideration of this Application is respectfully requested.

Claims 1-18 are pending in the application, with 1, 8, and 15 being the independent claims. Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

**Rejections under 35 U.S.C. § 102(e)**

Claims 15-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.P.N. 6,329,234 to Ma et al. ("Ma").

Claim 15 recites at least (emphasis added) (1) forming a first metal layer on a substrate; (2) forming an etch stop layer **on the substrate** and [on] the first metal layer; and (3) forming a second metal layer **on the substrate and [on a] portion of the etch stop layer**.

Ma **requires:**

1. Forming an insulator 12 on a substrate 10;
2. Forming a metal barrier layer 14 on the insulator 12;
3. Forming a metal layer 16 on the metal barrier layer 16;
4. Forming a silicon nitride layer 61 on the metal layer 16;
5. Forming a conductive buffer layer 84 on the silicon nitride layer 61; and
6. Forming a metal layer 90 on the conductive buffer layer 84.

(See FIG. 11 and text in columns 5-8 discussing elements therein). Thus, Ma requires two layers, insulator 12 and metal barrier 14, be formed between substrate 10 and metal layer 16, so the metal layer 16 cannot touch substrate 10, as is recited in claim 15. Ma also requires a conductive buffer layer 84 be formed between alleged etch stop layer 61 and metal layer 90, so metal layer 90 cannot touch either substrate 10 or the alleged etch stop layer 61, as recited in claim 15.

Therefore, Ma does not anticipate or render obvious at least at least (1) forming a metal layer on a substrate; (2) forming an etch stop layer on the substrate and on the first metal layer; and (3) forming a second metal layer on the substrate and a portion of the etch stop layer, as

recited in claim 15. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 15 and find claim 15 allowable over the cited reference. Also, for at least these reasons, Applicant respectfully requests that the Examiner find dependent claims 16-18 allowable.

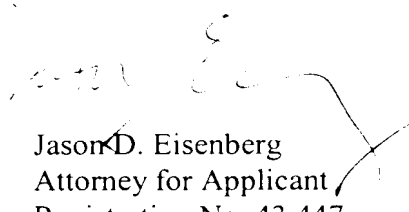
### *Conclusion*

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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